



1641
DTW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 01-1737)

In re Application of: Duen et al.)	
)	
Serial No.: 10/055,686)	Before the Examiner: K. Padmanabhan
)	
Filed: January 18, 2002)	Group Art Unit: 1641
)	
For: Allergen Detection Chip)	
)	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO THE OFFICE ACTION MAILED JULY 14, 2004

Sir:

Responsive to the restriction requirement set forth in the Office Action mailed July 14, 2004, Applicants provisionally elect, with traverse, to prosecute the invention of Group I, *i.e.* claims 1-5 and 9.

Applicant's respectfully request reconsideration and modification of the restriction requirement. In particular, Applicants contend that the claims of Group I and Group II are not directed toward different inventions. Although the Office has grouped these claims under different sub-classes, it is not clear to the Applicants why this is the case. Applicants respectfully contend that the claims of Group I and Group II fall within the same class and subclass, and as such the necessary search would not be unduly burdensome.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on this day, 12 November 2004.

Sherri L. Oslick
Sherri L. Oslick

If Examiner Padmanabhan believes it to be helpful, he is invited to contact the undersigned representative by telephone at (312) 913-0001.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff LLP

Dated: 11-12-04

By: Sherri L. Oslick
Sherri L. Oslick, Ph.D.
Reg. No. 52,087